

REMARKS

In accordance with the foregoing, claims 1 and 16 have been amended and claim 36 has been added. No new matter has been introduced. Therefore, claims 1-36 are pending and reconsideration is respectfully requested.

CLAIMS OBJECTIONS:

In the Office Action, claims 1, 2, 4, 9-12, 16, 17, 22, 23, 27, 32, 33 and 35 were objected to. Applicants note that, in informal telephone conferences, the Examiner suggested that the objectionable subject matter should be amended to recite that the basic recording units are seamlessly *recorded* as opposed to seamlessly *connected* as presently claimed.

In response, however, applicants note that the supposedly objectionable subject matter in these claims is facially clear and that amendments are unnecessary. For support of this position, although applicants do not believe that such support is needed, applicants note that the subject matter at issue conforms to language used throughout the specification. See *e.g. the specification at page 6, line 14 in which the specification states that the recording units are "seamlessly connected."* Therefore, applicants assert that the objections are overcome without narrowing the scope of the claims and it is respectfully requested that the objections be withdrawn.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1, 6-8 and 16 are rejected under 35 U.S.C. §102(e) as being anticipated by Mine (U.S. Patent 5,966,358).

Regarding the rejections of claims 1 and 16, it is noted that, during the aforementioned informal telephone conversations, the Examiner agreed that Mine does not disclose certifying the recording medium. As such, since claims 1 and 16 recite "a predetermined area in which information, which is related to a defective area *that could be detected* before the user data is recorded on the medium *and while the medium is being used after certification of the medium*, is recorded," and "detecting the defective area occurring *while the medium is being used after certification of the medium*," respectively, the reference cannot disclose the claimed invention.

Therefore, applicants respectfully assert that the amendments to claims 1 and 16 render these claims patentably distinguishing over the reference and, thus, that the rejections of these

claims are overcome.

Regarding the rejections of claims 6-8, it is noted that these claims depend from claim 1 and that, thus, the rejections of these claims are overcome for at least the reasons set forth above.

ALLOWABLE SUBJECT MATTER:

Claims 1, 2, 4, 9-12, 16, 17, 22, 23, 27, 32, 33 and 35 would be allowable if rewritten to overcome the objection(s) under claims objections, set forth in the Office Action. However, as a result of the aforementioned informal telephone conferences between applicants and the Examiner, it is understood that this statement takes into account that the rejections in view of Mine must also be overcome. In any case, applicants respectfully assert that the claim objections have been overcome in view of the arguments provided above.

NEWLY ADDED CLAIM 36:

Claim 36 has been added and recites substantially similar subject matter as claim 1 with certain exceptions. These include reciting that the predetermined area in which information is recorded is detected only while the medium is being used after certification of the medium and that "a defective area data pattern other than the user data is recorded in the defective area between adjacent recorded user data or during the recording of the user data for seamless recording." Therefore, it is respectfully asserted that claim 36 is allowable for at least the reasons discussed above with respect to claim 1.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

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By: 
Howard I. Levy
Registration No. 55,378

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510